

Parramatta City Centre LEP 2007 - Amt. 12 - proposed increase in FSR and maximum height - 189 Macquarie Street, Parramatta

Proposal Title :	Parramatta City Centre LEP 2007 - Amt. 12 - proposed increase in FSR and maximum height - 189 Macquarie Street, Parramatta		
Proposal Summary :	Amendment to the Parramatta City Centre LEP 2007. The planning proposal intends to amend the maximum height and gross floor area (GFA) controls applying to 189 Macquarie Street, Parramatta, and facilitate provision of a public car park on the site.		
PP Number :	PP_2014_PARRA_001_00	Dop File No :	14/01723

Proposal Details

Date Planning Proposal Received :	20-Jan-2014	LGA covered :	Parramatta
Region :	Sydney Region West	RPA :	Parramatta City Council
State Electorate :	PARRAMATTA	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	189 Macquarie Street		
Suburb :	Parramatta	City :	Sydney
		Postcode :	2150
Land Parcel :	Lot 3A and 4A DP322456, Lot 5 DP7809, Lot 1 DP 128928, Lot 20 DP 706341, Lot C DP 390897, Part Lot 5 Sec 88 DP 758829 and Lot 1 DP 555756		

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Metro West Central subregion	Consistent with Strategy :	Yes

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	425
Gross Floor Area :	36,000.00	No of Jobs Created :	12
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :			
Have there been meetings or communications with registered lobbyists? :		No	
If Yes, comment :		The Regional Team is not aware of any meetings or communication with registered lobbyists concerning this planning proposal.	
Supporting notes			
Internal Supporting Notes :	Date of Receipt The planning proposal was received on 24 December 2013. Further information was requested. Parramatta Council finalised this request on 20 January, 2014.		
External Supporting Notes :	The site is 5,211sqm in area and is currently utilised as an at grade public car park with 197 spaces.		

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The planning proposal aims to amend the Parramatta City Centre LEP to allow, on the subject land:**

- . a maximum height of 91.3m;
- . a maximum gross floor area of 36 000 sqm, excluding any space used for balconies and communal open space;
- . a maximum gross floor area of 2 750 sqm, for the purpose of communal and private open sapce areas;

where development is a result of an architectural design competition, exhibits design excellence and provides a public car park.

A change to the existing zone of B4 Mixed Use is not proposed. No map amendments are proposed.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal intends to amend the Parramatta City Centre LEP 2007 to:**

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- increase the maximum permissible height from 54m to 91.3m;
- introduce a maximum permissible gross floor area (GFA) of 36,000sqm (excluding private balconies and communal open space); and
- introduce a maximum permissible gross floor area for private balconies and communal open space.

The provisions above will only apply to a development application for the site which incorporates:

- design excellence as per clause 22B(3) of the LEP,
- is the result of an architectural design competition; and
- provides the public benefit of a public car park.

It is noted that the planning proposal (Page 8) states that Council has entered into an agreement with the proponent for the delivery of a 700 space public car park within a redevelopment of the site.

While the planning proposal intends to amend the Parramatta City Centre LEP 2007, there is currently a planning proposal to amalgamate the City Centre LEP into Parramatta Local Environmental Plan 2011. A Gateway condition is proposed to clarify this situation within the Planning Proposal's Explanation of Provisions.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? Yes

c) Consistent with Standard Instrument (LEPs) Order 2006 : Yes

d) Which SEPPs have the RPA identified?

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development

e) List any other matters that need to be considered :

SECTION 117 DIRECTION 1.1 BUSINESS AND INDUSTRIAL ZONES

The planning proposal is consistent with this Direction as it retains the location and area of the business zone, while increasing the floor space area available for employment uses.

SECTION 117 DIRECTION 3.4 INTEGRATING LAND USE AND TRANSPORT

The planning proposal is consistent with this Direction as it will concentrate residential uses in a central location with access to public transport, jobs and services.

3.5 DEVELOPMENT NEAR LICENSED AERODROMES

This Direction requires that consultation be undertaken with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome in preparing a planning proposal that sets controls for development in the vicinity of a licensed aerodrome.

Parramatta Council has consulted with Sydney Metro Airports and received advice that the land falls within the 156m A.H.D. OLS. The planning proposal seeks a maximum height of 91.3m which is below the OLS.

While this is the case, to satisfy the direction - a Gateway condition is proposed to amend Table 4 of the planning proposal to clarify that the proposal is not

inconsistent with the Direction.

SECTION 117 DIRECTION 4.3 FLOOD PRONE LAND

The site is flood affected and a flood study has been prepared by KF Williams and Associates Pty Ltd on 16 December, 2013.

The study indicates that the proposal is consistent with this Direction as:

- the flood study is consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005;
- clause 33A of the City Centre LEP which relates to flood prone land will apply and is not being amended by the proposal;
- the planning proposal does not seek to rezone the site or change the permissible uses;
- development of the site will have no adverse effect on flood flows or velocities, nor increase flood risk to adjacent properties;
- although there will be a significant increase in height, there will only be a marginal increase in development on the land with respect to permissible floor space; and
- no additional flood mitigation works will be required.

In these circumstances it is considered that the planning proposal is not inconsistent with the direction.

SECTION 117 DIRECTION 6.3 SITE SPECIFIC PROVISIONS

The objective of this direction is to discourage unnecessary restrictive site specific planning controls.

The planning proposal is technically inconsistent with this Direction as it will introduce site specific development provisions in the form of the need to comply with design excellence requirements and to provide for public car parking.

It is considered that this inconsistency is justified on the basis of minor significance, given that the intention of the planning proposal is to enable proposed development at a higher height and FSR than currently permitted and the site specific requirements are integral to this intention.

It is recommended that the Director General's delegate agree to the inconsistency on this basis.

SECTION 7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

The planning proposal is consistent with this Direction given that the Plan identifies Parramatta as Sydney's second CBD. The proposal will achieve high density residential housing in an area that is highly accessible with excellent access to public transport and employment.

Have inconsistencies with items a), b) and d) being adequately justified? Yes

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? No

Comment : There are no amendments sought to the City Centre LEP maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : The planning proposal recommends a minimum 28 day public consultation period and

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Indicates that community consultation is likely to include:

- a notification letter to adjoining owners;
- advertisement in the local paper; and
- information on Council's website.

Given the nature of the proposal, this period is supported.

Additional Director General's requirements

Are there any additional Director General's requirements? No

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Parramatta Principal LEP came into effect on 7 October, 2011. The Planning Proposal, however, seeks to amend Parramatta LEP 2007 - which is not part of the principal. There is currently a planning proposal to amalgamate both LEPs.

Assessment Criteria

Need for planning
proposal :

The current controls in the LEP will not necessarily permit:

- . a high quality landmark building on the site; and
- . the development of a new 700 space public car park, which is considered to be significant public infrastructure for the Parramatta CBD. In particular, the proposal assists in implementing the Parramatta City Centre Integrated Transport Plan, which aims to relocate long-stay commuter parking from the City Centre to new multistorey car parks on the city periphery. This will reduce traffic congestion in the city centre and allow the city to grow by releasing car parking spaces on other Council sites for future redevelopment.

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Consistency with strategic planning framework :

DRAFT METROPOLITAN STRATEGY FOR SYDNEY TO 2031

The planning proposal is consistent with the Strategy which identifies Parramatta as Sydney's second CBD. To achieve a 'regional city' greater building height is required to achieve landmark buildings, such as that enabled by the planning proposal.

The planning proposal will also assist in consolidating public parking provision and enable other Council car park sites to be redeveloped for commercial and mixed use development, facilitating ongoing growth of the Parramatta CBD.

PARRAMATTA 2038 COMMUNITY STRATEGIC PLAN

The planning proposal is not considered to be inconsistent with this Plan.

PARRAMATTA CITY CENTRE VISION 2007

The planning proposal is consistent with the vision for Parramatta City Centre.

PARRAMATTA CITY CENTRE INTEGRATED TRANSPORT PLAN 2009/10 - 2014/15

The planning proposal is consistent with a key strategy of the Plan to relocate long-stay commuter parking from the City Centre to new multistorey car parks on the city periphery served by the loop free bus. The subject site is one such site identified in the plan for the provision of a new multi-storey car park.

URBAN DESIGN STUDY

An Urban Design Study was prepared by GM Urban Design & Architecture Pty Ltd to support the planning proposal in terms of potential height, FSR and massing for the site. The planning proposal implements the recommendations of the study.

Environmental social economic impacts :

It is recommended that the Gateway determination be conditioned to include a comment within "8. Are there any other likely environmental effects" to indicate that it is proposed to remove 18 mature trees from the subject site and 4 from adjoining properties in accordance with a Tree Report and Arboriculture Impact Assessment undertaken by Birds Tree Consultancy.

Furthermore, paragraph 2.15 on page 4 of the planning proposal should be corrected as it states that the site contains six trees to be removed.

Given that the trees are to be replaced within the proposed redevelopment, this is not considered to be an issue, however, the planning proposal should be amended for accuracy and transparency.

The proposal will generate a positive social and economic impact as it will:

- enable a major new public car park which will provide a significant public benefit for the employment sector of Parramatta; and
- provide for approximately 425 dwellings with access to public transport, employment and services.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **DDG**

Public Authority Consultation - 56(2) (d) : **Department of Education and Communities
Office of Environment and Heritage
Energy Australia
Transport for NSW
Fire and Rescue NSW
NSW Police Force
Transport for NSW - Sydney Trains
Transport for NSW - Roads and Maritime Services
Sydney Water
Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal - 189 Macquarie St Parramatta (Version 3).pdf	Proposal	Yes
Planning Proposal - Attachment 1 - Urban Design Study - GM Urban Design & Architecture Pty Ltd.pdf	Proposal	Yes
Planning Proposal - Attachment 2 - Flood Study - KF Williams & Associates.pdf	Proposal	Yes
Arborist Report.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**

3.4 Integrating Land Use and Transport
4.3 Flood Prone Land
6.3 Site Specific Provisions
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **DELEGATION OF PLAN-MAKING FUNCTION**

Council has advised that it will not exercise the plan making delegations in this instance as the subject land is predominantly owned by Council.

Note: the Director, Metropolitan Delivery (Parramatta) is of the view that the proposal is outside her Gateway delegation and it is appropriate that the planning proposal be submitted to the LEP Panel for attention.

RECOMMENDATION

It is recommended that the Director General's delegate approves the inconsistency with section 117 Direction - Site Specific Provisions, on the basis of minor significance.

Further, it is recommended that the Planning Proposal proceeds subject to the following conditions:

1. prior to community consultation, the Planning Proposal is to be amended, as follows:

- (a) the Explanation of Provisions section of the proposal be amended to clarify that should LEP 2007 be repealed by the making of the amalgamated plan, the amendment will be made to the amalgamated plan;
- (b) amend Table 4 against s. 117 Direction 3.5 to clarify that the plan is consistent with the direction;
- (c) amend the section 8 of the planning proposal to clarify that it is proposed to remove 18 mature trees from the subject site and 4 from adjoining properties and correct paragraph 2.15 on page 4, which refers to the removal of only six trees, and
- (d) replace figures 6 and 7 on page 12 of the proposal with larger diagrams to provide greater legibility.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act (EP&A Act) 1979 as follows:

- (a) the planning proposal must be publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals identified in section 5.5.2 of 'A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012).

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Department of Education and Communities
- Office of Environment and Heritage
- Energy Australia
- Transport for NSW
- Railcorp
- Roads and Maritime Services
- NSW Police force
- Sydney Water
- Sydney Metro Airports

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

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4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for instance in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway Determination.

Supporting Reasons :

The planning proposal is supported as it will achieve increased residential densities in an highly suitable location close to transport, employment and services, while enabling Council to implement its Integrated Transport Plan and achieve a significant public benefit in the form of a 700 space public car park on site.

Signature:



Printed Name:

T DORAN

Date:

31/1/14